



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
1322 PATTERSON AVENUE, SE, SUITE 1000
WASHINGTON NAVY YARD, DC 20374-5065

5720
Ser BD/082
DEC 17 2019

Mr. Kevin Starkey
Starkey Kelly Law Firm
Two Hooper Avenue
Toms River, NJ 08753

Dear Mr. Starkey,

Subj: YOUR FREEDOM OF INFORMATION ACT (FOIA); CASE NUMBER
DON-NAVY-2020-001634

We are writing to respond to your Freedom of Information Act (FOIA) request of November 20, 2019, requesting the following:

“(1) Lease N40085-17-RP-00077, dated as of 8 June 2017, between the United States of America, acting by and through the Secretary of the Navy, and Ben Moreell Solar Farm, LLC (the “Lease”), pertaining to property known as Block 121.03, Portion Lot 1, in the Borough of Tinton Falls, Monmouth County, New Jersey, and located within the bounds of Naval Weapons Station Earle. (2) Four modifications to the Lease, including First Modification dated June 14, 2018; Second Modification dated December 20, 2018; Third Modification dated February 23, 2019; and Fourth Modification dated March 20, 2019.”

We have enclosed five documents that we are releasing to you, in part. Portions of the documents are being withheld under the following FOIA exemptions:

- (1) Exemption 4 protects trade secrets or commercial or financial information that is confidential or privileged. (5 U.S.C. § 552(b)(4)).
- (2) Exemption 6 protects information that, if disclosed, would invade another individual's personal privacy. (5 U.S.C. § 552(b)(6)).

If you consider this response an adverse determination, you may appeal. Since you have created an account in FOIAonline, you may submit an appeal directly within this web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the “Create Appeal” tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-01, ogis@nara.gov; (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Further questions regarding the action this office has taken may be directed to Abby Machalec, abby.machalec@navy.mil. Please refer to your FOIA case number DON-NAVY-2020-001634 whenever corresponding about this request.

Sincerely,

A handwritten signature in black ink, appearing to be 'P.A. Pollock', written over a horizontal line.

P.A. POLLOCK
Chief Management Officer

Copy to:
NAVFAC (PW, 00C)